

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES INC.,

Plaintiff,

-against-

WELKO, INC., SAM KOHL,
CAREN KOHL, and
"JOHN DOE #1" THROUGH "JOHN DOE #12",
the last twelve names being fictitious and unknown to
plaintiff, being persons having or claiming an interest
in or lien upon the Collateral described in the complaint,

Defendants.

07 CV 3900 (GBD)

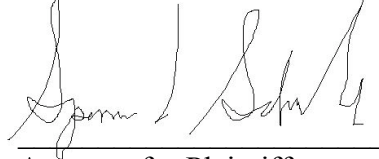
NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of William Sardgena, sworn to July 30, 2007, its annexed exhibits, the statement of material facts, the memorandum of law and all prior pleadings, plaintiff Merrill Lynch Business Financial Services Inc. will move this honorable Court, at the U.S. Courthouse, located at 500 Pearl Street, New York, NY 10007, at a time and date to be set by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiff summary judgment on its claims against defendants Welko, Inc., Sam Kohl and Caren Kohl, for judgment, jointly and severally, in the amount of \$870,071.60, plus additional accrued interest and attorneys' fees, and such other and further relief as the Court may deem just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that all answering papers shall served in ten days or pursuant to an agreed upon briefing schedule.

Dated: New York, New York
July 31, 2007

SPENCER L. SCHNEIDER (SS-2471)

A handwritten signature in black ink, appearing to read 'Spencer L. Schneider', written over a horizontal line.

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